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9 Attorneys for Defendants  
APEX MATERIALS, LLC, ELKHORN  
10 ENVIRONMENTAL, LLC, WERDCO BC,  
INC., WERDCO LLC, BRENT CONRAD,  
11 BRANDON CONRAD, PATRICIA CONRAD, and  
HARBER COMPANY, INC.  
12

13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 LANCE D. STUCKEY, JR., Individually and  
16 on behalf of all others similarly situated,

17 Plaintiffs,

18 v.

19 APEX MATERIALS, LLC, ELKHORN  
ENVIRONMENTAL, LLC, WERDCO BC,  
20 INC., WERDCO LLC, BRENT CONRAD,  
BRANDON CONRAD, PATRICIA CONRAD,  
21 LAS VEGAS PAVING CORPORATION.,  
TAB CONTRACTORS, INC., WILLIAM  
CHARLES CONSTRUCTION COMPANY,  
22 HARBER COMPANY, INC., John Does I to  
XX, name fictitious true name and number of  
23 persons being unknown, and XYZ Corporations  
I to XX, name fictitious true name of number  
24 of entities being unknown,

25 Defendants.  
26

Case No. 2:22-cv-01964-APG-VCF

**STIPULATION AND ORDER TO  
DISMISS ENTIRE ACTION WITH  
PREJUDICE**

27 Plaintiff, LANCE D. STUCKEY, JR. ("Plaintiff"), and Defendants, APEX MATERIALS,  
28 LLC, ELKHORN ENVIRONMENTAL, LLC, WERDCO BC, INC., WERDCO LLC, BRENT

1 CONRAD, BRANDON CONRAD, PATRICIA CONRAD (the “Conrad Defendants”), LAS  
2 VEGAS PAVING CORPORATION (“Las Vegas Paving”), TAB CONTRACTORS, INC.  
3 (“TAB”), WILLIAM CHARLES CONSTRUCTION COMPANY (“William Charles”), and  
4 HARBER COMPANY, INC. (“Harber”) (collectively herein “Defendants”) (together, the  
5 “Parties”), by and through their respective undersigned counsel, hereby stipulate and agree to the  
6 dismissal of this action in its entirety, with prejudice, with each Party to bear its own costs and  
7 attorney fees.

8 Plaintiff filed this action against Defendants on November 23, 2022 alleging six causes of  
9 action: (1) failure to pay overtime at the appropriate rate of pay in violation of the Fair Labor  
10 Standards Act (“FLSA”), 29 U.S.C. § 207; (2) failure to pay overtime wages at the appropriate rate  
11 of pay in violation of Nev. Rev. Stat. 608.018; (3) unpaid wages owed under Nev. Rev. Stat.  
12 608.150; (4) unpaid wages owed under Nev. Rev. Stat. 608.135; (5) failure to pay continuation  
13 wages in violation of NRS 608.040-608.050; and (6) failure to pay prevailing wages in violation of  
14 Nev. Rev. Stat. 338.020 to 338.075. **ECF No. 1.**

15 As the matter has been resolved, the Parties desire to dismiss the action in its entirety with  
16 prejudice with the Court retaining jurisdiction solely to enforce the Parties’ confidential settlement  
17 agreement. The Parties agree that no Party shall be deemed to be a prevailing party in this action  
18 and that no Party will file for an award of costs or attorney fees pursuant to any rule, statute or law,  
19 whether local, state or federal, in any forum that would be available.

20 The consideration provided for settlement is memorialized in a confidential settlement  
21 agreement. Since this matter is in the early stages of litigation – *e.g.*, responsive pleadings have not  
22 been filed; the Court has not certified the action as a class action; notice of the action has not been  
23 provided to any putative class members; and no similarly situated employees have opted into the  
24 action – the terms may be provided to the Court for in camera review should the Court so request.

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27 ///

1                   **IT IS SO STIPULATED.**

2  
3           Dated: May 18, 2023

Dated: May 18, 2023

4           Respectfully submitted,

Respectfully submitted,

5           /s/ Leon Greenberg

/s/ Michael D. Dissinger

6           LEON GREENBERG, ESQ.  
7           RUTHANN DEVEREAUX-GONZALEZ,  
8           ESQ.  
9           LEON GREENBERG PROFESSIONAL  
10           CORPORATION

MONTGOMERY Y. PAEK, ESQ.  
EMIL S. KIM, ESQ.  
MICHAEL D. DISSINGER, ESQ.  
LITTLER MENDELSON, P.C.

11           Attorneys for Plaintiff  
12           LANCE D. STUCKEY, JR.

Attorneys for Defendants  
APEX MATERIALS, LLC, ELKHORN  
ENVIRONMENTAL, LLC, WERDCO BC,  
INC., WERDCO LLC, BRENT CONRAD,  
BRANDON CONRAD, PATRICIA  
CONRAD, and HARBER COMPANY, INC.

13  
14           Dated: May 18, 2023

Dated: May 18, 2023

15           Respectfully submitted,

Respectfully submitted,

16           /s/ Lynne K. McChrystal

/s/ Nicole E. Lovelock

17           PAUL T. TRIMMER, ESQ.  
18           LYNNE K. MCCHRYSTAL, ESQ.  
19           JACKSON LEWIS P.C.

NICOLE E. LOVELOCK, ESQ.  
DONNA DIMAGGIO, ESQ.  
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20           Attorneys for Defendant  
21           WILLIAM CHARLES CONSTRUCTION  
22           COMPANY

Attorneys for Defendant  
TAB CONTRACTORS, INC.

1 Dated: May 18, 2023

2 Respectfully submitted,

3 /s/ Tye S. Hanseen

4 TYE S. HANSEEN, ESQ.


5 MARQUIS AURBACH COFFING

6 Attorneys for Defendant

7 LAS VEGAS PAVING CORPORATION

8  
9 **IT IS SO ORDERED.**

10 Dated: May 19, 2023

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12   
13  
14 UNITED STATES DISTRICT JUDGE